

LAWRENCE G. BROWN  
Acting United States Attorney  
KRISTIN S. DOOR, SBN 84307  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916)554-2723

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) 2:04-CV-00204-JAM-DAD  
)  
Plaintiff, ) **FINAL JUDGMENT OF**  
) **FORFEITURE**  
v. )

1. APPROXIMATELY \$44,888.35 )  
SEIZED DECEMBER 3, 2003, FROM )  
WELLS FARGO BANK ACCOUNT NO. )  
141-4412260, HELD IN THE NAME )  
OF RED ROCK GROUP, LLC, )

2. APPROXIMATELY \$42,480.93 )  
SEIZED DECEMBER 3, 2003, FROM )  
WELLS FARGO BANK ACCOUNT NO. )  
856-6284678, HELD IN THE NAME )  
OF FIDELE UTILE MEILLEUR )  
FAMILIAL, LLC, )

3. APPROXIMATELY \$4,700.00 )  
SEIZED DECEMBER 3, 2003, FROM )  
WELLS FARGO BANK ACCOUNT NO. )  
101-0099594, HELD IN THE NAME )  
OF CARLO MIRELES, )

4. APPROXIMATELY \$7,097.71 )  
SEIZED DECEMBER 3, 2003, FROM )  
WELLS FARGO BANK ACCOUNT NO. )  
693-4332799, HELD IN THE NAME )  
OF CARLO MIRELES, )

5. APPROXIMATELY \$11,772.14 )  
SEIZED DECEMBER 3, 2003, FROM )  
WELLS FARGO BANK ACCOUNT NO. )  
063-2395307, HELD IN THE NAME )

OF SCOTT POLL/CARLO MIRELES )  
 POA, )  
 6. APPROXIMATELY \$1,941.42 )  
 SEIZED DECEMBER 3, 2003, FROM )  
 WELLS FARGO BANK ACCOUNT NO. )  
 063-2708806, HELD IN THE NAME )  
 OF WEST COAST ENTERTAINMENT, )  
 INC., )  
 7. APPROXIMATELY \$12,268.67 )  
 SEIZED DECEMBER 3, 2003, FROM )  
 WELLS FARGO BANK ACCOUNT NO. )  
 046-5084093, HELD IN THE NAME )  
 OF SCOTT POLL DBA WEST COAST )  
 ELECTRONICS, )  
 8. APPROXIMATELY \$119,513.39 )  
 SEIZED DECEMBER 3, 2003, FROM )  
 WASHINGTON MUTUAL BANK ACCOUNT )  
 NO. 429-444659-1, HELD IN THE )  
 NAME OF SCOTT POLL, AND )  
 9. 2002 GMC DENALI, )  
 VIN:1GKFK66U32J199497, NEVADA )  
 LICENSE NO. 661NHJ, REGISTERED )  
 TO CARLO R. MIRELES, )  
 Defendants. )

Pursuant to the Stipulations for Final Judgment of  
 Forfeiture between the United States and potential claimant Carlo  
 Mireles filed on March 18, 2004, and between the United States  
 and claimant Darryl Scott Poll filed herein, the Court finds:

1. This is a civil forfeiture action against certain assets  
 listed in the above-caption seized on or about December 3, 2003,  
 (hereinafter the "defendant assets"). The defendant assets were  
 seized on lands both within and outside the Eastern District of  
 California, ie., in Sacramento, California and Las Vegas, Nevada.

2. A Complaint for Forfeiture In Rem (hereafter  
 "Complaint") was filed on or about January 29, 2004, seeking the  
 forfeiture of the defendant assets, alleging that said defendant

1 assets are subject to forfeiture to the United States pursuant to  
2 18 U.S.C. §§ 981(a)(1)(C), 984 and/or 981(a)(1)(A).

3 3. On or about January 29, 2004, the Court issued a Warrant  
4 and Summons for Arrest of Articles In Rem for the defendant  
5 assets, and that warrant was duly executed.

6 4. On or about January 30, 2004, copies of the Complaint,  
7 Warrant and Summons for Arrest of Articles In Rem, Application  
8 and Order for Publication, Notice of Related Case and court  
9 notices were served on Carlo Mireles' attorney, Rachelle Barbour  
10 at the Federal Defender's Office, by certified mail number 7002  
11 3150 0001 2052 5669. On or about February 2, 2004, copies of the  
12 above-listed documents were served on Darryl Scott Poll's  
13 attorney, Anthony J. Siciliano, by certified mail number 7002  
14 3150 0001 2052 5614.

15 5. On or about March 8, 15 and 22, 2004, a Public Notice of  
16 Arrest of the defendant assets appeared by publication in The  
17 Daily Recorder (Sacramento County). On April 30, May 7 and 14,  
18 2004, a Public Notice of Arrest of the defendant assets appeared  
19 by publication in the Las Vegas Review Journal (Clark County,  
20 Nevada). Both are newspapers of general circulation in the  
21 counties in which the defendant assets were seized. The Proofs  
22 of Publication were filed with the Court on March 30 and May 25,  
23 2004.

24 6. Claimant Darryl Scott Poll filed Claims to some of the  
25 defendant assets and Answers to the Complaint. He claimed an  
26 interest in defendants Approximately \$11,772.14 seized December  
27 3, 2003, from Wells Fargo Bank Account No. 063-2395307;  
28 Approximately \$1,941.42 seized December 3, 2003, from Wells Fargo

1 Bank Account No. 063-2708806; Approximately \$12,268.67 seized  
2 December 3, 2003, from Wells Fargo Bank Account No. 046-5084093;  
3 and Approximately \$119,513.39 seized December 3, 2003, from  
4 Washington Mutual Bank Account No. 429-444659-1.

5 7. Although Carlo Mireles did not file a claim or an  
6 answer, he did enter into a Stipulation for Final Judgment of  
7 Forfeiture that was filed on March 18, 2004, forfeiting his  
8 interest in those specific defendant assets listed in the  
9 stipulation to the United States.

10 8. North American Bancard filed a Claim regarding the  
11 defendant Approximately \$44,888.35 seized December 3, 2003, from  
12 Wells Fargo Bank Account No. 141-4412260, and an Answer to  
13 the Complaint. On August 22, 2005, a Memorandum of Opinion and  
14 Order was filed granting Plaintiff's Motion to Dismiss North  
15 American Bancard's claim.

16 9. No other parties have filed claims or answers in this  
17 matter, and the time for which any person or entity may file a  
18 claim and answer has expired.

19 Based on the above findings, and the files and records of  
20 the Court, it is hereby

21 ORDERED AND ADJUDGED:

22 1. The Court adopts the Stipulations for Final Judgment of  
23 Forfeiture entered into by and between the parties to this  
24 action.

25 2. Judgment is hereby entered against potential claimant  
26 Carlo Mireles, claimant Darryl Scott Poll, and all other  
27 potential claimants who have not filed claims in this action.

28 3. Pursuant to 18 U.S.C. §§ 981(a)(1)(C), 984 and/or

981(a)(1)(A), potential claimant Carlo Mireles' and claimant Darryl Scott Poll's interest in the following property shall be condemned and forfeited to the United States of America, to be disposed of according to law:

(i). Approximately \$44,888.35 seized December 3, 2003, from Wells Fargo Bank Account No. 141-4412260, held in the name of Red Rock Group, LLC;

(ii). Approximately \$42,480.93 seized December 3, 2003, from Wells Fargo Bank Account No. 856-6284678, held in the name of Fidele Utile Meilleur Familial, LLC;

(iii). Approximately \$4,700.00 seized December 3, 2003, from Wells Fargo Bank Account No. 101-0099594, held in the name of Carlo Mireles;

(iv). Approximately \$7,097.71 seized December 3, 2003, from Wells Fargo Bank Account No. 693-4332799, held in the name of Carlo Mireles;

(v). Approximately \$11,772.14 seized December 3, 2003, from Wells Fargo Bank Account No. 063-2395307, held in the name of Scott Poll/Carlo Mireles POA;

(vi). The net proceeds from the sale of the 2002 GMC Denali, VIN 1GKFK66U32J199497, Nevada License No. 661NHJ, registered to Carlo R. Mireles<sup>1</sup>; and

(vii). Approximately \$1,941.42 seized December 3, 2003, from Wells Fargo Bank Account No. 063-2708806, held in the name of West Coast Entertainment, Inc.;

(viii). Approximately \$12,268.67 seized December 3, 2003, from Wells Fargo Bank Account No. 046-5084093, held in the name of Scott Poll DBA West Coast Electronics; and

(ix). Approximately \$77,513.39 of the \$119,513.39 seized December 3, 2003, from Washington Mutual Bank Account No. 429-444659-1, held in the name of Scott Poll.

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<sup>1</sup> On July 7, 2006, a Stipulation and Order for Interlocutory Sale of the 2002 GMC Denali was filed authorizing the sale of the vehicle by the Internal Revenue Service.

1        4. Upon entry of this Final Judgment of Forfeiture, but no  
2 later than 60 days thereafter, \$42,000.00 of the \$119,513.39  
3 seized from Washington Mutual Bank Account No. 429-444659-1,  
4 together with any interest that may have accrued on \$42,000.00  
5 from the date of seizure, shall be returned to the Poll  
6 Irrevocable Trust. The Internal Revenue Service shall issue a  
7 check in the amount of \$42,000.00, plus any accrued interest,  
8 made payable to the Poll Irrevocable Trust, and shall send it to  
9 Leonard P. Smith, Attorney at Law, 2770 S. Maryland Parkway,  
10 Suite 200, Las Vegas, NV 89109.

11        5. Plaintiff United States of America and its servants,  
12 agents, and employees and all other public entities, their  
13 servants, agents, and employees, are released from any and all  
14 liability arising out of or in any way connected with the arrest,  
15 seizure or forfeiture of the defendant assets. This is a full  
16 and final release applying to all unknown and unanticipated  
17 injuries, and/or damages arising out of said arrest, seizure or  
18 forfeiture, as well as to those now known or disclosed. The  
19 parties waive the provisions of California Civil Code § 1542.

20        6. Potential claimant Carlo Mireles and claimant Darryl  
21 Scott Poll waive any and all claim or right to interest that may  
22 have accrued on the defendant assets being forfeited to the  
23 United States.

24        7. Pursuant to the stipulations of the parties, and  
25 allegations set forth in the Complaint for Forfeiture In Rem  
26 filed January 29, 2004, the Court finds that there was reasonable  
27 cause for the seizure and arrest of the defendant assets, and a  
28 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465

1 shall be entered accordingly.

2 8. All parties are to bear their own costs and  
3 attorneys' fees, if any.

4 SO ORDERED THIS 9<sup>th</sup> day of January, 2009.

5  
6 /s/ John A. Mendez  
JOHN A. MENDEZ  
7 United States District Judge  
8

9 CERTIFICATE OF REASONABLE CAUSE

10 Pursuant to the Stipulation for Final Judgment of Forfeiture  
11 as to the Interests of Carlo Mireles filed March 18, 2004, the  
12 Stipulation for Final Judgment of Forfeiture filed herein, and  
13 the allegations set forth in the Complaint for Forfeiture In Rem  
14 filed January 29, 2004, the Court enters this Certificate of  
15 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was  
16 reasonable cause for the seizure and arrest of the defendant  
17 assets.

18  
19 /s/ John A. Mendez  
JOHN A. MENDEZ  
20 United States District Judge  
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